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To Whom it May Concern:

The following are my comments on behalf of New World Jet Corporation to the Notice of Proposed Rulemaking regarding "Regulation of Fractional Aircraft Ownership Programs and On-Demand Operations".

13.9 Certificate and Management Specifications Action

NWJ agrees that the process which would involve suspension or revocation of an operating certificate for a Part 135 operation should be similar for a fractional operator. The FAA should have the authority to suspend or revoke the management specifications of a fractional operator as they would in a certificate action to include the right to appeal to the National Transportation Safety Board. The FAA should seek the legislative authority to achieve the necessary statutory amendment.

61.57 Recent Flight Experience: Pilot in Command

NWJ supports the changes as written

91.415 - 91.519

NWJ supports the changes as written

91.1001 Applicability

NWJ supports the new 91.1001 as written, with the exception of 91.1001(8). Proposed FAR 91.1001(8) defines a "fractional ownership program manager or program manager" as the entity that is providing services. NWJ feels that in order to achieve regulatory accountability, an individual or individuals should be specifically designated for accountability within the fractional operator's management specifications. This would be similar to the Part 119 requirements for required personnel that apply to on-demand Part 135 operations. At minimum, an individual designated as "Program Manager", "Director of Operations", and "Director of Maintenance" should be required positions within the fractional operators management specifications. By only defining the "fractional program manager" as an entity, the FAA may find it difficult to enforce the spirit of Part 91 Sub-part K.

91.1003 – 91.1013

NWJ supports these proposed regulations as written.

91.1014 – Manager’s Responsibility for Ensuring Compliance

The proposed paragraph further demonstrates the need to designate an individual as “Program Manager” rather than an entity. In order for a fractional ownership program manager to “ensure that its program.... (is) sufficient to ensure owner compliance...” the accountability of an entity alone may not be sufficient to ensure such an important task.

91.1015 – 91.1017

NWJ supports these proposed regulations as written

91.1019 – Conducting Tests and Inspections

NWJ supports 91.1019 with exception to 91.1019(c). This section requires that “Each employee, of, or person used by, the program manager who is responsible for maintaining the program manager’s records must make these records available to the Administrator”. The section does not specify which records are being referenced. Are these the maintenance records, pilot records? In addition, if there exists such responsibility, the person who maintains that responsibility should be named in the management specifications, (ref. comment to 91.1001).

91.1025 – Program Operating Manual Contents

The program-operating manual should also contain the name or names of persons responsible for updating the manuals. All other features of proposal 91.1025 are supported.

91.1027 – 91.1035

NWJ supports these proposed regulations as written.

91.1037 & 135.385/. 387

Flight operations may be conducted safely using 85% under specific conditions, for example; daylight operations, experienced crew, and glide slope guidance on the landing runway. Specific guidance to the FSDO Inspectors on how to qualify operators will be important to maintain an even playing field and level of risk. Otherwise, some operations may be too aggressive when applying this rule.

91.1039 – 91.1045

NWJ supports these proposed regulations as written.

91.1047 – Drug and Alcohol Misuse Program

NWJ feels that Drug and Alcohol Misuse Programs for fractional operations should be FAA/DOT approved, as are Part 135 operations. Not requiring such approvals will result in inconsistencies and lack of standardization not only among fractional operations, but the maintenance vendors that support them as well. The requirement of 91.1047(c)(3) to include the “degree to which the Program Manager’s company testing program is consistent or not consistent with Federally mandated drug and alcohol...program(s)...” does not provide enough clarification or consistency to properly enforce the spirit of the proposed regulation.

91.1049 – 91.1055

NWJ supports the proposal as written

91.1057 – 1061

NWJ believes that the scheduling nature of on-demand charter operations and that of a fractional operation are very similar due to the dynamic nature of the business. Therefore, the duty time issues would be identical between the fractional operator and Part 135 *on-demand* operator. Therefore, similar regulation would be appropriate for 135 *on-demand only* and the fractional, 91K operation. The regulations as written do not specifically address the unscheduled nature of on-demand charter operations from a crewmember’s perspective. Incorporating the elements of *extended and scheduled reserve* as outlined in the NATA 135 On-Demand Concept Paper on Flight & Duty Time

(www.nata-online.org/2GovWatch/Archive/R.20000814.ReserveConcept.htm), would be of value. These elements empower the crew to refuse trips if they have not received sufficient sleep to safely conduct the flights. The duty time requirements should apply to the flight attendants as well.

91.1063 – 91.1109

NWJ supports these proposed regulations as written.

91.1111 – Maintenance Training

The requirement for maintenance personnel to “undergo appropriate initial and annual recurrent training...” may be too broad a statement. If the intention is that several types of training may be “appropriate” (i.e. OJT, formal, classroom, etc.) then that should be specified. If the intention is that maintenance personnel attend formal maintenance training annually, such as FlightSafety, then NWJ feels that a twelve-month frequency may be excessive. A more appropriate frequency would be twenty-four months.

91.1113 – 91.115

NWJ supports the proposed regulations as written.

119.1, 125.1, 135.1 – 135.23

NWJ supports these proposed regulations as written

135.145 – Aircraft Proving Tests

NWJ applauds the efforts of the FOARC committee and the FAA to provide qualified Part 135 operators relief from costly proving runs under the provision of 135.145(b)

135.167 – 135.247

NWJ supports these proposed regulations as written.

135.251, 135.255 – Testing for Prohibited Drugs/Alcohol.

NWJ again praises the FOARC committee and the FAA for providing Part 135 operators with relief from Drug and Alcohol Testing under the provisions of 135.251(c) and 135.255(c)

135.321-135.324

NWJ supports these proposed regulations as written.

135.385/. 387

See comments under 91.1037

142.1

NWJ supports this proposed regulation as written.

In closing, I would like to commend the FAA on its regulatory development process, involving fractional ownership. By including the industry through the FOARC process, the interests of all parties have been served. It is through partnerships such as these that further industry-FAA relationships can be strengthened.

Sincerely,



Richard J. Van Gemert
President
